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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/673,568      | 09/30/2003  | Hidetoshi Kuroki     | NIP-258-02          | 1615             |

7590 08/18/2004

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EXAMINER

CASAREGOLA, LOUIS J

ART UNIT PAPER NUMBER

3746

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/673,568

Applicant(s)

KUROKI ET AL.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☒ Claim(s) 11-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/081,202.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 112***

Claim 9 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claim 9 uses the expression "landing gears" to describe height adjusting apparatus for a base structure that serves as a vehicle component and generator mount. The expression "landing gears" is specifically defined and universally accepted in the technical arts as an aircraft undercarriage used for takeoff and landing. The present invention however appears to be intended for use in conjunction with a flat-bed truck, and trucks do not takeoff or land. The expression "landing gear" is thus being improperly used in this instance, and an applicant's privilege to be his own lexicographer does not extend to the point misusing terms and or expressions that have a specific meaning in the art.

Furthermore, it is unclear what actual truck structure constitutes the so-called "landing gears" -- does it include wheels, axels, shock absorbers, etc. as it would in an aircraft under carriage?

***Claim Rejections - 35 USC § 102***

Claims 7-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Baten et al.

The claimed turbine power plant base is sufficiently broad to read on conventional power plant apparatus of the type disclosed by Baten. Baten discloses a power plant system comprising a flatbed trailer used to transport a turbogenerator and then serving as a support base when the generating equipment is in use or installed; see the trailer in Figure 2, and note gas turbine 125 and generator 150. Note also that Baten additionally states that his trailer's suspension comprises a height adjustment for facilitating installation; see column 3, lines 33-35.

With regard to claim 8, it is submitted that when deployed, Baten's trailer system would have sufficient clearance to allow service personnel underneath and thus meets the broadly claimed requirement for "a space for maintenance".

With respect to claim 9, even if the expression "landing gears" were applicable to a truck trailer, it would read on the wheels, suspension, and related structure of trailers such as that disclosed by Baten.

As concerns claim 10, the recited "jack" is sufficiently broad to read on any type of height adjusting apparatus including that incorporated into Baten's trailer suspension.

### ***Allowable Subject Matter***

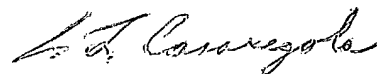
Claims 11 and 12 contain allowable subject matter but are objected to as depending from rejected parent claims. If rewritten in independent form, claims 11 and 12 will be allowed.

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### ***Additional References***

Fauteux et al are cited as disclosing further example of an electric generator mounted on a truck trailer.

L. J. Casaregola  
703-308-1027 (M-F; 7:30-4:00)  
703-872-9306 FAX  
August 16, 2004



**LOUIS J. CASAREGOLA  
PRIMARY EXAMINER**

If repeated attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached at 703-308-2675.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).